



General Assembly

January Session, 2005

Raised Bill No. 1277

LCO No. 3761

03761_____PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT REVISING STATUTES CONCERNING THE LICENSING AND TRAINING OF PRIVATE DETECTIVES AND GUARD SERVICES AND SECURITY PERSONNEL SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-152u of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 As used in this chapter:

4 (1) "Armed security officer" means a security officer who carries or
5 has immediate access to a firearm in the performance of such officer's
6 duties as a security officer;

7 (2) "Commissioner" means the Commissioner of Public Safety;

8 (3) "Licensee" means any person, firm, company, partnership or
9 corporation engaged in the business of providing investigative or
10 security services;

11 (4) "Private detective" means any person engaged in the business of,
12 or advertising as engaged in the business of (A) investigating crimes or

13 civil wrongs, (B) investigating the location, disposition or recovery of
14 property, (C) investigating the cause of accidents, fire damage or
15 injuries to persons or to property, except persons performing bona fide
16 engineering services, (D) providing the personal protection of
17 individuals, (E) conducting surveillance activity, (F) conducting
18 background investigations, or (G) securing evidence to be used before
19 a court, board, officer or investigation committee;

20 (5) "Private detective agency" means any person, firm, company,
21 partnership or corporation that, for consideration, advertises as
22 providing, or is engaged in the business of providing, private
23 detectives;

24 (6) "Private investigator" means an employee hired by a licensed
25 private detective or private detective agency necessary for the conduct
26 of such licensee's business;

27 ~~[(6)]~~ (7) "Security officer" means the ~~[licensed]~~ certified and
28 registered person hired to safeguard and protect persons and property,
29 by (A) the detection or prevention of any unlawful intrusion or entry,
30 larceny, vandalism, abuse, arson or trespass on property such security
31 officer is hired to protect, or (B) the prevention, observation, or
32 detection of any unauthorized activity on property the security officer
33 was hired to protect. Such security officer may be (i) employed by a
34 security service, or (ii) employed by a business and is a uniformed
35 employee who performs security work on the premises of the
36 employer's business when such premises are located in an area that is
37 accessible and unrestricted to the public, or has access only by paid
38 admission;

39 ~~[(7)]~~ (8) "Security service" means any person, firm, association or
40 corporation that, for consideration, provides to another person, firm,
41 association or corporation one or more of the following: (A) The
42 prevention or detection of intrusion, entry, larceny, vandalism, abuse,
43 fire, or trespass on the property the security service was hired to
44 protect; (B) the prevention, observation or detection of any

45 unauthorized activity on property the security service was hired to
46 protect; (C) the protection of patrons and persons authorized to be on
47 the premises of a person, firm, association or corporation that the
48 security service was hired to protect; (D) the secure transportation of
49 papers, money, negotiable instruments and other valuables; (E) the
50 provision of patrol and armored car services; or (F) the provision of
51 guard dogs.

52 Sec. 2. Subsection (c) of section 29-154a of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective*
54 *October 1, 2005*):

55 (c) No license shall be issued to any person who has been (1)
56 convicted of any felony, (2) convicted of any misdemeanor under
57 section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,
58 53a-176, 53a-178 or 53a-181d, or equivalent conviction in another
59 jurisdiction, within the past seven years, (3) convicted of any offense
60 involving moral turpitude, or (4) discharged from military service
61 under less than honorable conditions. [that demonstrate questionable
62 moral character.]

63 Sec. 3. Section 29-156a of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective October 1, 2005*):

65 (a) Any licensee may employ as many agents [operators, assistants,
66 guards, watchmen or patrolmen] or private investigators as such
67 licensee deems necessary for the conduct of such licensee's business,
68 provided such employees shall be of good moral character and at least
69 eighteen years of age.

70 (b) Immediately upon hiring an agent [, operator, assistant, guard,
71 watchman or patrolman] or private investigator, the licensee shall
72 make application to register such employee with the Commissioner of
73 Public Safety. Such application shall be made on forms furnished by
74 the commissioner, and, under oath of the employee, shall give the
75 employee's name, address, date and place of birth, employment for the

76 past five years, experience in the position applied for, any convictions
77 for violations of the law and such other information as the
78 commissioner may require, by regulation, to properly investigate the
79 character, competency and integrity of the employee.

80 (c) The Commissioner of Public Safety shall require any applicant
81 for registration under this section to submit to state and national
82 criminal history records checks. The criminal history records checks
83 required pursuant to this section shall be conducted in accordance
84 with section 29-17a. The application for registration shall be
85 accompanied by two sets of fingerprints of the employee and two
86 photographs of the employee, two inches wide by two inches high,
87 full-face, taken within six months prior thereto, and a twenty-dollar
88 registration fee payable to the state. Subject to the provisions of section
89 46a-80, no person shall be approved for employment who has been
90 convicted of a felony, any sexual offense or any crime that would tend
91 to question such person's honesty and integrity, or who has been
92 refused a license under the provisions of this chapter for any reason
93 except minimum experience, or whose license, having been granted,
94 has been revoked or is under suspension. Upon being satisfied of the
95 suitability of the applicant for employment, the commissioner shall
96 register the employee and so notify the licensee and place the
97 registration form and all related material on file with the Division of
98 State Police within the Department of Public Safety.

99 (d) The licensee shall notify the commissioner within five days of
100 the termination of employment of any registered employees.

101 (e) Any person, firm or corporation that violates any provision of
102 this section shall be fined seventy-five dollars for each offense. Each
103 violation of this section shall be a separate and distinct offense and, in
104 the case of a continuing violation, each day's continuance thereof shall
105 be deemed to be a separate and distinct offense.

106 Sec. 4. Section 29-158 of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective October 1, 2005*):

108 Any license or registration may be suspended or revoked by the
109 commissioner, provided notice shall have been given to the licensee or
110 registrant to appear before the commissioner to show cause why the
111 license or registration should not be suspended or revoked, upon a
112 finding by the commissioner that: (1) The licensee or registrant has
113 violated any of the terms or provisions of sections 29-153 to 29-161,
114 inclusive, as amended by this act, or any of the regulations
115 promulgated thereunder; (2) the licensee or registrant has practiced
116 fraud, deceit or misrepresentation to the clients of the licensee or
117 registrant; (3) the licensee or registrant has made a material
118 misstatement in the application for issuance or renewal of such
119 [licensee's] license or registration; (4) the licensee or registrant has
120 demonstrated incompetence or untrustworthiness in the conduct of
121 such licensee's business; (5) the licensee or registrant has been
122 convicted of a felony or other crime affecting such licensee's honesty,
123 integrity or moral fitness. If the licensee or registrant has been
124 convicted under section 53a-61 or 53a-62, the commissioner shall
125 consider the facts and circumstances surrounding such convictions
126 prior to suspending or revoking said license or registration. Any party
127 aggrieved by an order of the commissioner hereunder may appeal
128 therefrom in accordance with the provisions of section 4-183, except
129 venue for such appeal shall be in the judicial district of New Britain.

130 Sec. 5. Section 29-161 of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective October 1, 2005*):

132 (a) [Any] Except as provided in section 29-156a, as amended by this
133 act, any person who violates any provision of sections 29-153 to 29-161,
134 inclusive, as amended by this act, shall be fined not more than five
135 thousand dollars or imprisoned not more than one year or both. The
136 commissioner may establish, by regulation, civil penalties for
137 violations of sections 29-153 to 29-161, inclusive, as amended by this
138 act, but no such penalty shall be more than five thousand dollars. No
139 person who violates any provision of section 29-153 shall be eligible to
140 apply for a license for two years. Any experience accrued while

141 operating without being licensed will not be counted [to] toward the
142 requirements [as outlined] specified in section 29-154a, as amended by
143 this act.

144 (b) The commissioner shall adopt regulations in accordance with the
145 provisions of chapter 54 to implement the provisions of sections 29-153
146 to 29-161, inclusive, as amended by this act.

147 Sec. 6. Section 29-161m of the general statutes is repealed and the
148 following is substituted in lieu thereof (*Effective October 1, 2005*):

149 Upon being satisfied, after investigation, of the good moral
150 character, competency and integrity of an applicant, or, if the applicant
151 is an association or partnership, of the individual members thereof, or
152 if a corporation, of all officers and directors thereof, the Commissioner
153 of Public Safety may grant a license to conduct business as a security
154 service and to maintain a bureau, agency, subagency, office or branch
155 office for the conduct of such business on the premises stated in such
156 application. The license for an individual, a corporation, association or
157 partnership conducting a security service shall be as a security service.
158 Such license shall be for a term of two years and application for
159 renewal shall be on a form furnished by the commissioner. Each
160 licensee shall permit the department to inspect, review or copy those
161 documents, business records or training records in the licensee's
162 possession that are required by [sections 29-161g to 29-161x, inclusive,]
163 regulation to be maintained.

164 Sec. 7. Section 29-161q of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective October 1, 2005*):

166 (a) Any security service may employ as many security officers as the
167 licensee deems necessary for the conduct of the business, provided
168 such employees shall be of good moral character and at least eighteen
169 years of age.

170 (b) Any person hired to work as a security officer shall be [licensed]

171 certified as a security officer prior to a security service making
172 application to register the security officer with the Commissioner of
173 Public Safety. The employee shall complete a minimum of eight hours
174 training in the following areas: Basic first aid, search and seizure laws
175 and regulations, use of force, basic criminal justice and public safety
176 issues. The training, schools offering such training and requirements
177 with respect to instructors shall be approved by the commissioner in
178 accordance with regulations adopted pursuant to section 29-161x, as
179 amended by this act.

180 (c) Upon successful completion of such training, an employee may
181 submit an application for [a license] certification as a security officer on
182 forms furnished by the commissioner and, under oath, shall give the
183 employee's name, address, date and place of birth, employment for the
184 past five years, experience in the position applied for, any convictions
185 for violations of the law and such other information as the
186 commissioner may require, by regulation, to properly investigate the
187 character, competency and integrity of the employee. The initial
188 application for a [license] certificate shall be accompanied by two sets
189 of fingerprints of the employee and the Commissioner of Public Safety
190 shall require any applicant for a [license] certificate under this section
191 to submit to state and national criminal history records checks. The
192 criminal history records checks required pursuant to this subsection
193 shall be conducted in accordance with section 29-17a. The application
194 for a [license] certificate shall be accompanied by two sets of
195 fingerprints of the employee and two photographs of the employee,
196 two inches wide by two inches high, full-face, taken within six months
197 prior thereto, and a twenty-dollar [licensing] fee to be renewed every
198 two years, made payable to the state. Each security officer applying for
199 renewal of certification shall present proof of successful completion of
200 a four-hour refresher training course approved by the commissioner.
201 Subject to the provisions of section 46a-80, no person shall be approved
202 for a [license] certificate who has been convicted of a felony, any sexual
203 offense or any crime that would tend to question such person's
204 honesty and integrity, or who has been refused a license or certificate

205 under the provisions of sections 29-161g to 29-161x, inclusive, as
206 amended by this act for any reason except minimum experience, or
207 whose [license] certification, having been granted, has been revoked or
208 is under suspension. Upon being satisfied of the suitability of the
209 applicant for [licensure] certification, the commissioner may [license]
210 certify the employee as a security officer.

211 (d) Upon the security officer's successful completion of training and
212 [licensing] certification by the commissioner, or immediately upon
213 hiring a [licensed] certified security officer, the security service shall
214 make application to register such security officer with the
215 commissioner on forms provided by the commissioner. Such
216 application shall be accompanied by payment of a twenty-dollar
217 application fee payable to the state. The completed registration form
218 and all related material shall be kept on file with the Division of State
219 Police within the Department of Public Safety.

220 (e) The security service shall notify the commissioner within five
221 days of the termination of employment of any registered employee.

222 (f) Any person, firm or corporation that violates any provision of
223 subsection (b) or (d) of this section shall be fined seventy-five dollars
224 for each offense. Each violation shall be a separate and distinct offense
225 and, in the case of a continuing violation, each day's continuance
226 thereof shall be deemed to be a separate and distinct offense.

227 Sec. 8. Section 29-161v of the general statutes is repealed and the
228 following is substituted in lieu thereof (*Effective October 1, 2005*):

229 Any license for a security service or certification for a security
230 officer may be suspended or revoked by the Commissioner of Public
231 Safety, provided notice shall have been given to the licensee or
232 certificate holder to appear before the commissioner to show cause
233 why the license or certification should not be suspended or revoked,
234 upon a finding by the commissioner that: (1) The licensee or certificate
235 holder has violated any of the terms or provisions of sections 29-161g

236 to 29-161x, inclusive, as amended by this act, or any of the regulations
 237 adopted pursuant to section 29-161x, as amended by this act; (2) the
 238 licensee or certificate holder has practiced fraud, deceit or
 239 misrepresentation; (3) the licensee or certificate holder has made a
 240 material misstatement in the application for issuance or renewal of the
 241 license or certificate; (4) the licensee or certificate holder has
 242 demonstrated incompetence or untrustworthiness in the conduct of the
 243 business; or (5) the licensee or certificate holder has been convicted of a
 244 felony or other crime affecting the licensee's or certificate holder's
 245 honesty, integrity or moral fitness. Any party aggrieved by an order of
 246 the commissioner under this section may appeal therefrom in
 247 accordance with the provisions of section 4-183, except venue for such
 248 appeal shall be in the judicial district of New Britain.

249 Sec. 9. Section 29-161x of the general statutes is repealed and the
 250 following is substituted in lieu thereof (*Effective October 1, 2005*):

251 (a) [Any] Except as provided in section 29-161q, as amended by this
 252 act, any person who violates any provision of sections 29-161g to 29-
 253 161x, inclusive, as amended by this act, shall be fined not more than
 254 five thousand dollars or imprisoned not more than one year, or both.
 255 The commissioner may establish, by regulation, civil penalties for
 256 violations of sections 29-161g to 29-161x, inclusive, as amended by this
 257 act, but no such penalty shall be more than five thousand dollars. Any
 258 person who violates any provision of section 29-161g shall not be
 259 eligible to apply for a license for two years after the date the penalty
 260 was imposed. Any experience accrued while operating without being
 261 licensed will not be counted toward the requirements specified in
 262 section 29-154a, as amended by this act.

263 (b) The Commissioner of Public Safety shall adopt regulations, in
 264 accordance with the provisions of chapter 54, to implement the
 265 provisions of sections 29-161g to 29-161x, inclusive, as amended by this
 266 act.

267 Sec. 10. Section 29-161y of the general statutes is repealed and the

268 following is substituted in lieu thereof (*Effective October 1, 2005*):

269 (a) Any person, firm or corporation may employ as many security
 270 officers or security personnel carrying firearms as it deems necessary
 271 for the conduct of its business, provided such employees shall be of
 272 good moral character and at least twenty-one years of age. Each
 273 person, firm or corporation shall make application to register such
 274 personnel with the Commissioner of Public Safety immediately upon
 275 their hiring. Application for registration shall be made in the same
 276 manner as is provided in section 29-156a, as amended by this act, and
 277 applicants shall meet the requirements specified in said section.

278 [(b) Each person, firm or corporation employing nonarmed
 279 proprietary security personnel may register such employees with the
 280 Commissioner of Public Safety in accordance with the provisions of
 281 this section.]

282 [(c)] (b) Any person, firm or corporation [which] that violates any
 283 provision of this section shall be fined seventy-five dollars for each
 284 offense. Each violation of this section shall be a separate and distinct
 285 offense, and, in the case of a continuing violation, each day's
 286 continuance thereof shall be deemed to be a separate and distinct
 287 offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	29-152u
Sec. 2	<i>October 1, 2005</i>	29-154a(c)
Sec. 3	<i>October 1, 2005</i>	29-156a
Sec. 4	<i>October 1, 2005</i>	29-158
Sec. 5	<i>October 1, 2005</i>	29-161
Sec. 6	<i>October 1, 2005</i>	29-161m
Sec. 7	<i>October 1, 2005</i>	29-161q
Sec. 8	<i>October 1, 2005</i>	29-161v
Sec. 9	<i>October 1, 2005</i>	29-161x
Sec. 10	<i>October 1, 2005</i>	29-161y

Statement of Purpose:

To revise the statutes concerning the licensing and training of private detectives and security services.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]